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ABSTRACT

Testing practices have come under considerable scrutiny and criticism in recent years. Testing practices in the Federal government have certainly not been immune from this movement as the use of standardized written tests for selection purposes has been increasingly under attack. The most recent attacks have focused on implications or findings of adverse impact in broadband examinations. Broadband examinations are used in many hiring situations where persons may apply for up to 100 occupations in a single examination. The elimination of all such tests has been advocated on many fronts with a movement towards the use of alternative selection procedures designed to reduce or eliminate adverse impact. Adverse impact is a key term in the selection area and a term that has and will continue to have serious repercussions for the Federal government as well as the private sector. This report discusses issues relevant to the adverse impact concept including definitions of terms, Uniform Guidelines on Employee Selection Procedures (1978), regulations, methods of assessing adverse impact, and the Equal Employment Opportunity Commission Affirmative Action regulations. The implications of these movements for the educational sector are also briefly discussed. (Author/RL)

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ADVERSE IMPACT: ISSUES AND IMPLICATIONS

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Testing practices have come under considerable scrutiny and criticism in recent years. Testing in the Federal government has certainly not been immune from this movement. The use of written tests for selection purposes in the government has been increasingly under attack. Such attacks have focused on implications or findings of adverse impact in broadband examinations such as the Professional and Administrative Career Examination (PACE). Broadband examinations are used in many hiring situations where persons apply for up to 100 occupations in a single examination. Many are advocating the elimination of all such tests and the use of alternative selection procedures that will reduce or eliminate adverse impact. Adverse impact is the key term in the selection area, a term that has and will continue to have serious repercusions for the Federal government as well as the private sector.

This report discusses issues relevant to adverse impact including definitions of terms, Uniform Guidelines on Employee Selection Procedures (1978) (Guidelines) regulations, methods of assessing adverse impact, and the Equal Employment Opportunity Commission (EEOC) Affirmative Action regulations. Questions in need of answers are posed and answers are provided where possible, relevant to the following issues:

- How is adverse impact defined and determined?
- Is adverse impact as widespread in the Federal government as many would lead us to believe?
- How do the Guidelines and EEOC Affirmative Action regulations and procedures apply to the concept of adverse impact and what are their implications for the Federal workforce?
- Is adverse impact in part caused by certain governmental statutory requirements?
- What are the present and future impacts of affirmative action programs for the government if not for society as well?
- Is the merit system (as it now exists in the Federal government) doomed to a slow death or is it in essence presently just a memory?

Closely allied to findings or implications of adverse impact are affirmative action issues. These issues have been subject to widespread public debate for more than a decade. Such questions as the desirability, legality, and constitutionality of affirmative action have been hotly contested in the courts and on many other fronts. Based on some court decisions the question must be asked if there has been a recognizable shift from equal opportunity to equal results, two concepts that are not synonymous. The courts have been inconsistent in their interpretations of

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applicable statutes and regulations and in mandating affirmative action programs. There is a critical need for consistent guidance from the courts in these areas and for cohesive, intelligible, consistent approaches to the inherent problems.

Solutions or answers to the questions and issues posed here are neither readily apparent nor imminent in the near future. Therefore, the approach taken in this paper is not that of presenting solutions or answers but rather to define the applicable terms and concepts and to point out issues germane to adverse impact and affirmative action that will need to be resolved. Only when we are able to achieve more consensus on the issues facing us and more comprehension of terms and regulations will we begin to provide the much needed answers to the questions posed here and elsewhere and a more firm direction.

Adverse Impact Defined: The Guidelines

The Guidelines were developed to establish a uniform position for the Federal government relative to prohibiting discrimination in employment practices on the basis of race, color, sex, religion, or national origin. The Guidelines apply to tests and other selection procedures when they are used as a basis for any employment decision. Employment decisions include among other actions hiring, promotions, referrals, retentions, demotions, etc. "The fundamental principle underlying the guidelines is that employer policies or practices which have an adverse impact on employment opportunities of any race, sex, or ethnic group are illegal under Title VII (of the Civil Rights Act of 1964) and the Executive Order (11246) unless justified by business necessity," (Guidelines, p. 38290).

For the purposes of the Guidelines, adverse impact is usually determined on the basis of the "four-fifths" or "80 percent" rule, although in some instances statistical significance might provide a more valid determination of adverse impact. The four-fifths rule of thumb is derived by comparing hiring rates for different groups as illustrated below.

Applicants		Not Hired	Hired	Selection Rate Percent Hired
Group A	50	35	15	30%
Group B	40	30	10	25%
Group C	30	24	6	20%

Selection rate for B (25%) divided by selection rate for A (30%) = .83

Selection rate for C (20%) divided by selection rate for A (30%) = .67

Adverse impact generally refers to a selection ratio for any race, sex, or ethnic group which is less than four-fifths (80%) of the rate for the group with the highest rate. Therefore, applying this rule to the above example indicates that there would be no adverse impact for Group B but that there would be for Group C.

If adverse impact is established, the Guidelines instruct the employer to: modify or eliminate the procedure which produces the adverse impact; select an alternative measure which does not have adverse impact; or justify the use of the procedure on grounds of "business necessity," which generally means that the procedure used must be validated. The bulk of the Guidelines discuss validation strategies and procedures. The critical question here is whether the courts will accept properly validated procedures where adverse impact exists. There have been court decisions in both directions but at the present they seem to be more inclined to critically question validation information and to mandate the removal of selection procedures where adverse impact exists. The EEOC Affirmative Action Plan stresses validation as a last resort where adverse impact exists, and calls for elimination of adverse impact and the use of alternative methods, procedures at variance with Guidelines procedures. It seems likely that resolution of the issues will ultimately fall upon the courts.

The Guidelines state that, "A selection procedure which has no adverse impact generally does not violate Title VII or the Executive Order....an employer may usually avoid the application of the guidelines by use of procedures which have no adverse impact" (38290-38291). Other aspects of the Guidelines relevant to adverse impact issues are briefly summarized below:

- Determination of the adverse impact of selection procedures need not be made for groups which constitute less than two percent of the relevant labor force.

- The search for suitable alternative methods is considered to be an essential part of any validity study.

- Each user should maintain and have available for inspection records or other information which will disclose the impact which its tests and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group.

- Any employee selection procedure must be as lawful and should be as job related as possible.

- If adverse impact is found for the total selection process, users will be expected to evaluate each individual selection component for the job in question.

Determining Adverse Impact - The Applicant Flow Method and the Relevant Labor Market Approach

The Guidelines generally call for the use of the applicant flow method for determining adverse impact although there are provisions for the use of a relevant labor market approach where applicant flow data are not available. The applicant flow method entails tracking persons applying for an occupation through each phase of the selection process until they are either disqualified or hired. Especially germane to the applicant flow method is the definition of an applicant. The Guidelines consider an applicant to be any person indicating an interest in being considered for hiring, promotion, or other employment opportunities. Such interest may be indicated by completing an application form, by expressing interest orally, or through some other means depending on the employer's recruitment and selection procedures. The selection rate or ratio for the applicant flow method is then determined by dividing the number of persons selected or hired by the number of applicants. The applicant flow method also requires that applicants be classified in terms of their race, sex, and ethnic identification and that each phase or component of the selection process be identified. Finally, the four-fifths rule must be calculated for each group and if adverse impact is found, for each component of the selection process.

The relevant labor market approach involves surveying and collecting data on the number of persons in Federal occupations and comparing these with the numbers of workers in comparable non-Federal occupations to determine the proportional representation of Federal/non-Federal workers by race, sex, and ethnic origin. The relevant labor market is defined as that group of persons in the general population of a specific geographic area who are qualified to perform a particular type of work. The geographic area from which an employer can reasonably expect to recruit qualified or potentially qualified individuals determines the geographic area or labor market area from which the pool of available workers is drawn. Although the Guidelines allow for an inference of adverse impact through a relevant labor market approach, no specific procedures are given for conducting this type of evaluation.

EEOC Federal Affirmative Action Plan

Closely allied to the concept of adverse impact as defined in the Guidelines is the concept of underrepresentation defined in the EEOC Affirmative Action Plan. Whereas the Guidelines are concerned with selection, the EEOC Plan draws comparisons between the present Federal workforce and general population statistics to determine where underrepresentation exists. Affirmative action plans are required by Title VII of the Civil Rights Act where Congress cited the need to eliminate discrimination in Federal employment.

The EEOC Plan requires agencies to identify a work force profile indicating the number and percentage of employees in each race, sex, and

national origin group in all occupations and grade/pay levels. These profiles will show the degree to which minorities and women are represented at all levels and in all occupations.

Underrepresentation is determined by comparison of agency data with the percentage of each race, sex, ethnicity group in the overall national or Standard Metropolitan Statistical Area (SMSA) civilian labor force. The civilian labor force (CLF) is defined as the number of persons 16 years of age and over who are employed or seeking employment, except those in the armed services. The CLF data is based to a large degree on the 1970 Census. The SMSA is defined as an integrated economic and social unit with a recognized large population nucleus, generally a city of 50,000 or more. The SMSA enters the picture if an agency is located in a SMSA with higher concentrations of minorities or women than are found in the national CLF; the agency must use the higher SMSA figures to determine underrepresentation. If the SMSA has lower concentrations, agencies will generally be required to use the higher national CLF figures, especially if nationwide recruiting is conducted or is feasible.

Where underrepresentation exists, the EEOC Plan requires agencies to establish affirmative action goals. A goal is considered to be a numerical objective, determined realistically in terms of the projected number of vacancies and the number of qualified applicants in the relevant labor market. Such goals are determined by multiplying the percentage of the underrepresented groups in the appropriate CLF times the projected number of vacancies. The rate of hiring must then be commensurate with the presence of underrepresented groups in the appropriate labor force. Other relevant provisions of the EEOC Plan are briefly summarized below:

- Agencies must analyze the recruitment process to determine whether present recruitment activities impede efforts to eliminate underrepresentation.

- When an agency has severe underrepresentation (more than 50%) in an occupation, the agency should double the rate of hiring for the underrepresented group.

- For professional occupations, the percentage of each group in the professional occupations in the aggregated national or SMSA CLF is to be used for determining underrepresentation.

- Where underrepresentation is found, agencies are required to develop and implement innovative staffing strategies to increase pools of qualified candidates.

- Agencies are required to identify not only qualified persons but qualifiable persons where qualifiable is defined as: "persons who do not presently possess the requisite qualifying factors for lateral or promotional placement but who through specialized training and/or assignments may advance into an underrepresented employment category." (EEO Management Directive, p. IV-2)

Adverse Impact - Fact or Fiction

The major factors in determining the extent of adverse impact and/or underrepresentation in the Federal government are the manner in which these terms are defined and the procedures used to assess them. That there are problems with both these factors is evident and will be discussed in more detail below. For now, it is fair to say that there is adverse impact and underrepresentation in the Federal workforce but not to the extent that many would have us believe. Government workforce statistics show that certain minorities have greater representation in the government than in society as a whole. For example, a 1975 study showed that Blacks (16.1 to 11.1), American Indians (0.6 to .4), and Orientals (0.9 to 0.5) had a higher percentage of representation in the Federal government than in society (Rosenbloom). By November of 1976, the racial composition of the Federal government had reached an all time high of about 515,000 minority employees, 21.3% of the 2,419 million full-time Federal civilian employees. In 1975, minorities represented 15.6% of American society. Between 1970 and 1975 women in the Federal workforce increased 18.3% (ORI, p.4-3). Minorities have made tremendous gains in the Federal workforce in the last decade.

Looking at the overall figures would give one the impression that underrepresentation is not a critical problem in the government. However, summary statistics can be misleading and it is necessary to effect a finer breakdown of the workforce. Minority representation in particular agencies or occupational series may far exceed societal representation while in other agencies and occupational series minorities may be greatly underrepresented. Of course, there are many factors that could effect both of these conditions (e.g., availability of required expertise in the relevant labor market, etc.).

The grade/pay levels of minorities and others is another factor that must be carefully scrutinized. For example, in 1969, 45.9% of minorities were in the General Schedule (GS) workforce in pay grades 1-4. By 1976, 33.6% of minorities were in the lower pay grades and the average pay grade for minorities had increased from 5.7 to 6.5. During this same period non-minorities had increased from an average pay grade of 8.3 to 8.5 (ORI, p. 19-8). A 1977 Comptroller General report revealed that 82% of women in the Federal service were concentrated in GS grades 1-7 while males held 65% of the upper level positions (GS-14 and above) including 90% of all managerial and decision-making positions. While these statistics are somewhat dated, they reveal evidence of adverse impact and underrepresentation but also that minorities are making strides to reduce the differences.

Three additional factors that will impact on any assessment of adverse impact are: the manner in which the applicant pool is defined; whether the entire selection procedure or its specific components are the basis for assessment; and, the availability of "qualified" applicants. For example, a written test may be but one of many components of a selection

procedure and account for a small percentage of those eventually selected. If the overall selection procedure does not indicate adverse impact but the written test portion does, should the written test be attacked (assuming of course that the written test has been properly validated)? A 1976 GAO Report to the Congress states that "EEO enforcement agencies have generally agreed that, for purposes of determining whether to take enforcement action, adverse impact will be determined based upon the total selection process for a job rather than upon the impact of individual components of the process" (p. 5). The Guidelines do not address this issue definitively, but note in this area that court decisions have pointed in both directions. This issue becomes especially critical when the written test portion of a selection procedure has been properly validated in accordance with procedures in the Guidelines, results in the appointment of highly qualified and skilled employees, but is shown to adversely effect a minority group(s). There is evidence to indicate that the tendency today is to focus on the written test (or any other component of the selection process) where adverse impact is found, even though the entire selection procedure does not show adverse impact. Concentrating on the component where adverse impact is found may over-dramatize the situation. Depending on which direction the courts go, the future for written testing in the government may be viewed somewhat pessimistically (unless one is anti-testing and then optimism may prevail).

It is also apparent that underrepresentation determinations may depend on whether one takes a macrocosmic or a microcosmic approach. That is, whether one relies on overall summary statistics or statistics on each particular aspect of the workforce (e.g., pay grade/level, occupational series, etc.). The results will differ greatly depending on the approach taken. A microcosmic approach will undoubtedly result in more instances of underrepresentation than a macrocosmic approach. The question that begs to be answered is whether the Federal workforce realistically can, or philosophically should, be totally representative in all aspects and occupations? The answer is not easily found.

Problems in Assessing Adverse Impact or Underrepresentation

I have alluded throughout to the problems that exist in attempting to assess adverse impact according to the Guidelines and underrepresentation according to the EEOC Affirmative Action Plan. The basic provisions and requirements of these two documents have been described above. Now I would like to look at specific aspects and requirements of these documents that are problematic and, at a minimum, make compliance difficult if not next to impossible.

Adverse Impact

Looking first at the Guidelines' requirements relative to assessing adverse impact, two approaches were described, the applicant flow method and the relevant labor market method. The applicant flow method is the

procedure generally called for by the Guidelines. To reiterate, this method entails tracking persons applying for an occupation through each phase of the selection process until they are either disqualified or hired.

One of the major problems with the applicant flow method is the definition of an applicant. In order to track applicants we first have to identify them. The Guidelines definition (see page 4 above) is sufficiently broad to make identification of the applicant pool extremely difficult if not nearly impossible, especially for selection procedures which include broadband examining. For example, an occupation that would fall under the group of PACE occupations but that did not have a positive education requirement would probably require that everyone who applied to the PACE be considered an applicant. Tracking applicants for this occupation would be extremely expensive if not, in fact, unmanageable because of the size of the applicant pool. It is not only necessary to identify the applicant pool but to further describe them by race, sex, and ethnicity. Should collection of this data be mandatory or voluntary and how will the reliability and validity of this data be ensured? This is particularly relevant for unassembled examinations where some studies have indicated return of self-identification (race, sex, ethnicity) data at 60% and less. It would be difficult to support any conclusions based on this self-identification data with low rates of return.

Another problem area with the applicant flow method centers on the fact that many Federal jobs have a number of different modes of entry. The fact that there are different entry levels with multiple modes of entry at each level further confounds the issue. Each entry mode must be identified and the applicant pool determined for each particular component of the selection process for each mode of entry at each level. If adverse impact was found for the total selection process then each component of the process would require application of the four-fifths rule. Other factors that will impact on the applicant flow method and on the definition of the appropriate applicant pool include: targeted recruitment programs; the effect of Veterans Preference; the geographical location of the hiring agency; requirements pertinent to particular positions that are not found in the job as a whole; massive problems in tracking applicants through the examining process because of the lack of automated examining systems; lack of standardization of occupational definitions; the four-fifths rule does not take into account differences in sample size or the magnitude of differences and thus may produce anomalous results in some cases; etc.

Relevant Labor Market

In the absence of data on the applicant flow, the relevant labor market approach may be used to satisfy the requirements of the Guidelines relative to assessing adverse impact. The relative labor market approach was briefly described above (see p. 4). A critical problem with this approach is that of obtaining a useful and reasonably unbiased availability estimate. The bias in the relative labor market availability

figures could be considerable in the absence of exact linkages between the Federal occupational series and some non-Federal occupational classification code(s). Some sources of labor market data provide very little, if any, specific information on job characteristics or knowledges, skills, and abilities required to perform particular jobs, creating further problems for attempts to match Federal and non-Federal occupations. Equally important (and equally difficult) to derive is the race, sex, and ethnic makeup of those considered part of the relevant labor market.

Despite the problems inherent in the relevant labor market approach, it may provide a more valid and viable method of determining adverse impact for certain occupations, assuming that data and methodologies could be developed to enable such an approach. This approach would also seem more appropriate for determining underrepresentation for professional occupations as required by the EEOC Plan.

Underrepresentation

The EEOC Federal affirmative action plan calls for assessment of underrepresentation in the Federal workforce (the plan was previously described, see pp. 4-5) and requires the comparison of Federal workforce profiles with the overall national or SMSA civilian labor force (CLF). The EEOC plan indicates when the national or SMSA statistics are to be used.

One major problem with the EEOC plan is the currency and appropriateness of the CLF data. The present data are primarily based on the 1970 deccenial census. Such data would not be reflective of current workforce trends (e.g., the increased entrance of women into the workforce or labor market) nor are the data updated frequently enough to account for other recent labor trends.

The EEOC Plan is based on the premise (assumption?) that most Federal employment, except professional occupations with stringent certification requirements, may be adequately filled by candidates with vastly different preparation and experience. The EEOC Plan does note that certain professional occupations should be compared with the percentage of each group in the professional category of the national or SMSA civilian labor force. However, the data are not broken down by specific occupations. One might seriously question whether any professional is qualified for all professional occupations in the Federal government, yet this seems to be implied. That is, given a table showing that Group A is represented in the professional national CLF by X percent, does this mean that every Federal professional occupation must include X percent of Group A? Perhaps I am begging the question but in the absence of clear precise requirements such analyses may predominate.

The expense and manpower requirements of assessing the entire Federal workforce are extreme, and it may be questioned whether such data can be accurately gathered and analyzed. Even if it can, comparisons are then

forced with other data whose currency and accuracy can be justifiably questioned. These observations are not intended to question the desirability of equal opportunity in the Federal workforce but rather to point out the need for valid, reliable, workable methods of achieving this goal.

Adverse Impact - Causative Factors

There are a variety of factors that may impede efforts to eradicate adverse impact and underrepresentation in the Federal government. Factors such as apportionment and policies limiting the number of family members residing in a single household who may be employed by the Federal government that may have had some effect on adverse impact have been abolished in the last few years. Recency requirements which provide higher ratings on unassembled examinations for applicants with recent experience may act as a barrier to women seeking reentrance into the Federal workforce. Inability to compete on an equal basis with private industry for minorities and women, especially those qualified for higher level positions has also hindered attempts to eradicate underrepresentation. Since data show that minorities and women are most underrepresented at the higher grade levels, the inability to effectively compete with private industry for highly qualified and skilled minorities and women has repercussions for affirmative action plans. This is especially true in occupations where historically minorities have not been well represented in the labor force. The ORI report identifies as a major problem the apparent dichotomy that exists between the occupational skills of women and minorities and the skills needed in the Federal government. For example, there has been a preponderance of women in educuation and health occupations while liberal arts and education have predominated for minorities. Data are available that suggest that the occupational interests of women and minorities are different from the Government needs (p. 19-16).

In addition to the above factors, there are certain statutory requirements that may result in adverse impact and underrepresentation in the Federal workforce. The most obvious and visible example is Veterans preference which has been under attack by minorities and womens' groups for years for the following reasons

1. Veterans scores are augmented by at least five points; they often exceed the maximum scores that non-veterans can achieve.

2. A veteran with the same rating as a non-veteran is entered ahead of the non-veteran on a register.

3. Veterans with 10 percent or more disability are placed at the top of the register.

4. Veterans who comprised 20 percent of the PACE eligibles in 1975, accounted for 34 percent of those selected. In contrast, women, who were 41 percent of the eligibles, were only 27 percent of those selected. (Reported in a study on the effects of Veteran preference for 1975 PACE applicants and selectees, Campbell, 1977, p. 16)

Approximately one of every two employees in the Federal government is a military veteran. However, since 1975, there has been a four percent decline in the percentage of veterans in the Federal workforce and as Vietnam fades further into history the percentage of veterans will decrease even more. Attempts to repeal the Veterans Preference Act have been unsuccessful both in the courts and in the Congress.

Adverse Impact and Affirmative Action Requirements - Implications

One of the most obvious implications of adverse impact and affirmative action requirements for the Federal workforce (and the private sector also) is the tremendous expense, both in terms of money and human resources that will be required to meet the Guidelines and EEOC requirements. For example, the Office of Personnel Management has estimated that the collection of the race, sex, and ethnic data required to meet the requirements of the Guidelines would cost tens of millions of dollars and this is probably an underestimate. This estimate would need to be multiplied many times over to meet the requirements of the EEOC Plan.

An extensive training program is needed, at no small expense, to train managers (as well as all personnel) to meet the requirements of the Guidelines and other relevant regulations as well as to apply equal employment opportunity ideals in their management practices. To date, it does not appear that the necessary training is being planned or conducted or that resources are being allocated or budgeted for to meet these training needs. In fact, in periods of austerity, training needs tend to fall at the lower end of the totem pole. In the absence of needed resources to carry out the necessary training, either the training is not provided or haphazardly so, or other programs bear the brunt of providing the resources. This can result in a considerable loss of ability to function and meet program commitments. While it is difficult to assess this impact, in many cases it may be substantial.

Many would claim that these expenses are balanced out if not exceeded by costs relative to discrimination against minorities and women. Societal issues and values are at stake here and go far beyond monetary considerations. These issues in their essence are not under attack here, what is questioned are the requirements and procedures presently espoused to deal with equal opportunity issues.

Merit System Principles

The Federal government operates under both merit and non-merit systems. The majority of positions fall under the merit system. More than 60 percent of all Federal positions are covered by the competitive service;

another 30 percent, although excepted from OPM competitive service procedures, are covered by merit systems in other agencies (e.g., postal service). Approximately eight percent of Federal positions are not covered by merit systems.

The essence of merit system principles is: the recruitment, selection, and advancement of employees on the basis of their relative abilities, knowledges, and skills; open consideration of qualified applicants for initial appointment; fair treatment of employees and applicants without regard to race, color, sex, national origin, political affiliations, or religious creed. One has to question whether merit system principles and affirmative action plans can coexist. That is, are efforts presently being made in terms of affirmative action consistent with merit system principles? To be more specific, it has been argued that extensive use of alternative selection methods undermines merit system principles of: competitive examinations open to everyone; extending an equal opportunity to everyone to be examined for positions for which one has the minimum qualifications; and, selecting from among the best qualified. An answer can not readily be found as data have not been collected and maintained to show what proportion of vacancies are filled using alternative procedures, how effective these procedures are in achieving affirmative action goals, and whether the alternative procedures are valid or as valid as the procedures they replace, i.e., do those selected from alternative procedures perform equally well or better than those selected from civil service registers. If the alternative methods used to reduce or eliminate adverse impact are less valid than proven (validated) selection procedures, or even invalid, what are the costs in terms of decreased productivity or ability to function of agencies utilizing the alternative method? This question is not now answerable, but I would propose that the issue warrants consideration, especially with the present emphasis on the use of alternative methods.

In the last couple of years I have heard rumors of impending changes in the selection process or seen proposals that, at least to me, are disturbing. For example, there have been rampant rumors that movements are underway to do away with qualification standards and education requirements for most, if not all, professional occupations to ensure the availability of more minorities for jobs. Yet at the same time it is obvious that the Federal workforce requires a highly skilled and professional workforce to administer the highly complex programs now required. I have seen proposals to develop alternate series of certain broadband examinations (parallel in format only) composed of items rejected for use in the original examination because they exceeded the upper limits of item difficulty indexes (i.e., the items were too easy) to be given to certain minority groups. The minority scores would then be rank ordered and either two registers would be created or the minority scores would be intermingled with the scores of those taking the more difficult test. Fortunately, this proposal was not promulgated, but it is

illustrative of some of the measures being proposed. While I can't speak from their viewpoint, I would think that many minorities would be insulted by such proposals. It is certainly difficult to see how such proposals or actions are in tune with merit system principles.

Federal Government Employee Training

Another issue that must be addressed is the extent to which the Federal government should be in the training business. Stated differently, is the primary function or mandate of the Federal government that of training and developing employees or one of hiring qualified individuals from the external labor market and providing services to the public. This is not to imply that on-the-job training is neither desirable nor essential, rather it is a question of degree. If the government is to assume a role as primary trainer of employees, where does the academic world fit into the picture? It is a somewhat philosophical question and perhaps overstated here but none-the-less a question that should be addressed. The EEOC Plan stresses the training of employees determined to be qualifiable as opposed to qualified. In addition, when hiring standards are reduced there is a need for greater emphasis on formalized on-the-job training. Beyond these considerations, does the present Federal workforce contain the resources or expertise to accomplish a large scale training program for employees? A recent study of the Federal government labor force (ORI, 1978) was rather pessimistic relevent to this issue. The study concluded that:

- The identification of training needs in Government is scarce.
- Few agencies actually have planned mechanisms . . . to really identify employees in need of training.
- Despite the fact that training is necessary for many Government jobs, . . . it is also suggested . . . that training is granted to anyone desiring it irregardless (sic) of whether it is needed.
- Little resources are given to the functions (training) in production planning - making it difficult for employees to go to worthwhile training courses. (pp. 17-15 - 17-16)

Other issues that arise from adverse impact and underrepresentation considerations are: the ultimate impact on written testing; the effect on the morale and attitude of the current Federal workforce; and the effect on productivity of the Federal workforce. In addition, programs designed to result in equal representation, at the expense of educational requirements and qualification standards, have the potential for creating many additional problems. For example, once people are in the workforce, the Guidelines require that all employment decisions (e.g., promotions, retention, etc.) also be tracked and assessed for adverse impact. Therefore, the potential for adverse impact is great if employees are not

considered qualified for advancement to higher levels. Again, the issue of training comes up as extensive training might be required to enable employees to progress up the career ladder. Once again these are questions that are not easily answered and that are not without emotional undertones.

Written Testing

The death knell may already be sounding for written testing. The government appears to be more inclined to settle out of court than to defend written tests when they are attacked, often seemingly regardless of the merits of the plaintiff's case. Many envision the elimination of written selection procedures as a must for eliminating adverse impact and achieving a representative workforce. While supporting the elimination of invalid non-job related tests, I support the use of valid, job related examinations that have a proven track record in selecting qualified, skilled, and last but not least productive employees. Perhaps the manner in which such test results are used can be broadened to allow for more minority selections or, perhaps more to the issue, the attitudes of those doing the selecting must be reshaped to give minorities a better chance. I am all for equal opportunity but opposed to equal results when the latter connotes a substantial lowering of standards or the application of vastly different standards for different groups at the expense of the overall quality of the Federal workforce.

Implications for the Educational Sector

While I have dealt primarily with the implications of adverse impact and underrepresentation for the Federal government, the issues certainly are important for the educational arena. The extent to which educators as employers are covered by the Guidelines will not be discussed here. Suffice it to say that the same problems that exist for the Federal government under the Guidelines are also relevent for educators as employers.

Looking at the broader picture, changes in the manner in which the Federal government selects its employees will have some implications for the educational arena. If written selection examinations are phased out (as now seems to be the case), and alternative selection procedures are to be used, training in or familiarization with these new procedures (e.g., interviews, assessment centers) could be provided on the educational scene.

One can only speculate what effect the elimination of positive education requirements for many professional occupations would have on education. Along the same line, if the government is to take a much larger and more active role in terms of training its workforce, the implications for educators are ominous.

On the other hand, Federal agencies will be working more closely with educational institutions in the future (especially minority schools) in terms of recruitment sources for minorities and in terms of encouraging changes in programs to admit or to encourage more minority participation. This will be especially so for occupations where minorities have historically not been well represented.

There are a great many changes occurring in the Federal government these days and especially in the assessment and selection of employees. There is a concentrated push for equal representation in all occupations and agencies. It is important that educators be aware of these changes both in terms of their impact on educators as employers and in terms of their impact on educators as educators.

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